

REMARKS

The Official Action mailed April 6, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 15, 2004; February 9, 2005; August 30, 2005; February 22, 2006; and November 20, 2008.

Claims 1, 3, 4, 6-8, 10, 11, 13, 14, 16-18 and 20-32 are pending in the present application, of which claims 1, 4, 8, 11, 14 and 18 are independent. Claims 1, 4, 7, 8, 10, 11, 14, 17, 18 and 20 have been amended to better recite the features of the present invention. The Office Action Summary appears to omit claims 7, 10, 17 and 20 in the Disposition of Claims, although the Official Action itself notes that claims 7, 10, 17 and 20 would be allowable if rewritten in independent form. The Applicant notes with appreciation the indication of the allowability of claims 7, 10, 17 and 20. Some of the features of the allowable dependent claims have been incorporated into the independent claims. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 1, 3, 4, 6-8, 10, 11, 13, 14, 16-18 and 20-32 under the doctrine of obviousness-type double patenting over the combination of claims 1-29 of U.S. Patent No. 6,707,484 to Kawasaki. The Applicant respectfully submits that the subject application is patentably distinct from the claims of the Kawasaki '484 patent.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the specification and

drawings of the patent principally underlying the double patenting rejection are not considered prior art.

The Applicant respectfully traverses the obviousness-type double patenting rejection. The independent claims of the present invention recite that a display unit, a speaker, and a microphone are included in a first housing and that a keyboard and a pointing device are included in a second housing and are provided on a same surface of the second housing. On the other hand, the claims of the Kawasaki '484 patent recite a videophone, and fail to recite a first housing or second housing, let alone that a keyboard and a pointing device are included in a second housing. The rationale asserted in the Official Action, that "it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use a videophone instead of a computer" (Paper No. 20090327, Page 2) does not demonstrate that it would have been obvious to use a personal computer (or workstation), as presently claimed. Moreover, the assertion of the Official Action that "[use] of a known technique 'i.e., integrating different unit in same housing' to improve similar devices is obvious to one with ordinary skill in the art" (*Id.*) appears to contradict any suggestion to include a keyboard and pointing device in a second housing, as presently claimed. Furthermore, although the specification of the Kawasaki '484 patent discloses a keyboard 115 and a pointing device 117, as stated above, the patent principally underlying the double patenting rejection is not considered prior art. The claims of Kawasaki '484 do not teach or suggest that a keyboard and a pointing device are included in a second housing and are provided on a same surface of the second housing.

It is respectfully submitted that the claims of the present application are not a timewise extension of the invention as claimed in the Kawasaki '484 patent. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

Paragraph 5 of the Official Action rejects claims 1, 3, 4, 6, 8, 11, 13, 14, 16, 18, 19 and 21-32 as obvious based on the combination of U.S. Patent No. 4,645,872 to

Pressman, U.S. Patent No. 5,515,474 to Deacon, U.S. Patent No. 5,491,507 to Umezawa, U.S. Patent No. 5,438,530 to Bettini and U.S. Patent No. D332,783 to Krakower. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. The Official Action concedes that claims 7, 10, 17 and 20 are allowable (Paper No. 20090327, Page 9). Independent claims 1, 4, 8, 11, 14 and 18 have been amended to recite what are believed to be the allowable features of claims 7, 10, 17 and 20, i.e. means for modifying an image data obtained by a camera to obtain a modified image data and means for transmitting the modified image data. The Applicant respectfully submits that Pressman, Deacon,

Umezawa, Bettini and Krakower, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Since Pressman, Deacon, Umezawa, Bettini and Krakower do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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